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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,321	01/08/2007	Volker Brass	102132-36	1726
27388	7590	11/20/2009		
Hilderbrand, Christa 875 Third Avenue, 8th Floor New York, NY 10022			EXAMINER HAMMONDS, MARCUS C	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			11/20/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,321	<b>Applicant(s)</b> BRASS ET AL.	
	<b>Examiner</b> MARCUS HAMMONDS	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11, and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08 June 2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Acknowledgement is made of the amendment filed on July 20, 2009, in which: claims 1-6, 8-11, 13 and 14 are amended, 15 and 16 are newly added, and 7 and 12 are canceled. 1-6, 8-11, and 13-16 are currently pending and an Office action on the merits follows.

### *Claim Objections*

2. **Claims 4, 10, 14, and 15** are objected to because of the following informalities:

**Consider claim 4**, the abbreviation "CS" must be fully expressed in the claims, under each claim tree, before using it in abbreviated form i.e. call service (CS).

**Consider claim 10**, the abbreviation "ISDN" must be fully expressed in the claims, under each claim tree, before using it in abbreviated form i.e. integrated service digital network (ISDN).

**Consider claim 14**, the abbreviation "SM" and "VGC" is an abbreviation meant for use of laboring purposes and therefore should be placed within parenthesis, i.e. short message (SM).

**Consider claim 15**, the abbreviation "SC" must be fully expressed in the claims, under each claim tree, before using it in abbreviated form i.e. service center (SC).

Appropriate correction is required.

3. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a

dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

The examiner suggests canceling claim 9, then newly adding the limitations of claim 9 as a "New" claim at the end of the currently pending claims.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 10 and 11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 10, the phrase "analogue to" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Regarding claim 11, the dependency of claim 11 upon claim 10, which was rendered to be indefinite, also renders that claim 11's interpretation is indefinite. See MPEP § 2173.05(d).

To address the claims 10 and 11, which contain indefinite subject matter, the prior art applied under 35 USC § 103 is based on the examiner's best interpretation of claims 10 and 11 in light of the specification provided.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. **Claims 1, 3, 4, 5, 8, and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sanders, III et al (Patent No.: US 6,138,011) and 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2.”**

**Consider claim 1, Sanders teaches a method for transmitting text and/or binary information representing a short message (SM) in addition to voice information for a talker and at least one listener of a Voice Group Call (VGC), comprising the step of sending a special, dedicated signal to all listeners and to the talker in a network (see Sanders col. 7 lines 10-27 and FIG. 1, which show a method of facilitating group voice communications and group short message service within a network from the originating communication device (111) to the target devices (107-110). The originating communication device transmitting short messages to the target device embodies the sending of a special, dedicated signal).**

**Sanders teaches in col. 2 lines 55-63 dispatch related information for the talk group including a talk group affiliation for identifying target devices for establishing the**

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**communication links necessary for transmission of the short message, but Sanders fails to explicitly state** wherein the SM will be addressed by an associated Voice Group Call reference representing a concatenated sequence of group identification (ID) and a group call area identification. **However attention is directed to 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” which teaches** an associated Voice Group Call reference representing a concatenated sequence of group identification (ID) and a group call area identification (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 9.1 which explains identities for group calls such as a group call reference composed of a group ID and a group call area ID).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the group short message capabilities of Sanders to be implemented using the group identification means of 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” to fulfill the limitation wherein the SM will be addressed by an associated Voice Group Call reference representing a concatenated sequence of group identification (ID) and a group call area identification with motivation to enable group members with initiation and reception of voice group and short message group calls associated with the identities.

**Consider claim 3, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to claim 1, wherein the special dedicated signal is a short message-mobile terminated (SM-MT) (see **Sanders col. 7 lines 10-27 which explain establishing a communication link from the originating mobile device through the**

**network to the target devices and the network capable of transmitting a short message to the target devices).**

**Consider claim 4, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to any of claim 1, wherein the SM follows the structure of a regular point-to-point – short message service in parallel to an ongoing point-to-point – voice or point-to-point – cs data call (see Sanders col. 6 lines 42-67 and col. 7 lines 1-27 which explain the establishment of full duplex dedicated communication links for the originating mobile device and teach of the target mobile devices to the network, point-to-point, voice group call that additionally facilitates short message service on full duplex data communication links).

**Consider claim 5, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to claim 1, wherein the SM is sent from the current talker to the network in form of a short message-mobile originated (SM-MO) (see Sanders col. 7 lines 10-27 which explain establishing communication links from the originating communication device through the network to the target communication devices and transmitting a short message to the network from the originating mobile device).

**Consider claim 8, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to any of claim 1, wherein, if the current talker is sending the SM and during the sending the talker intends to end his speaking, a mobile station (MS) will hold the uplink until the SM is sent completely to the network (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 4.2.2.1, 11.4, and 11.5 with

**emphasis on discussion of uplink management, which explain a voice group call with an uplink that is only accessible by one user at any one time and it is released only upon reception of an uplink release message at the anchor mobile switching center from a base station controller. Thus, the current talker has exclusive access to the uplink channel while communicating to the network and the other target devices on the voice group call must wait for the uplink to become free).**

**Consider claim 9, Sanders teaches** a method for transmitting text and/or binary information representing a short message (SM) in addition to voice information for a talker and at least one listener of a Voice Group Call (VGC), comprising the step of sending a special, dedicated signal to all listeners and to the talker in a network **(see Sanders col. 7 lines 10-27 and FIG. 1, which show a method of facilitating group voice communications and group short message service within a network from the originating communication device (111) to the target devices (107-110). The originating communication device transmitting short messages to the target device embodies the sending of a special, dedicated signal)**, wherein a Short Message Entity (SME) in the network requests a short message service center (SC) to send the SM to members of the VGC **(see Sanders col. 7 lines 10-27 and FIG. 1 which explain an originating mobile device sending a short message to an SMS processor coupled to an originating MSC),**

**Sanders fails to explicitly state** the SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor-MSC) for this VGC, the SC forwards the SM to the appointed Anchor-MSC for this VGC, the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and



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in addition to all Relay-Mobile Switching Centers (Relay-MSCs), the Relay-MSCs send the SM to all respective BSS for the VCG, which transmit it to the listeners. **However attention is directed to 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” which teaches the** SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor-MSC) for this VGC (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 5.1 Service subscriber originated and 11.6 Service subscriber initiated call, which explain the originating MSC consulting its GCR, which may be coupled to or within the MSC, for the group call attributes specified in Section 8.1.2 routing information identifying the VGC Anchor-MSC**), the SC forwards the SM to the appointed Anchor-MSC for this VGC (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 5.1 service subscriber originated, which explains the originating MSC shall then route the VGC to the Anchor-MSC**), the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and in addition to all Relay-Mobile Switching Centers (Relay-MSCs) (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.4 Successful call set-up, which explains the group call Anchor-MSC sets up the downlinks to the cells inside the MSC area of the group call Anchor-MSC into which the call is to be sent, sets up the connections to the dispatchers to which a dedicated link is to be established, and sets up the connections to the relay MSCs into which the call is to be sent**), the Relay-MSCs send the SM to all respective BSS for the VCG, which transmit it to the listeners (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.5 Successful call set-up initiated by the anchor MSC, which explains the relay-MSC sets up the downlinks to the cells inside the relay MSC area into**

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**which the call is to be sent. Section 7.2 Radio Channels explains the downlink received at the target devices).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders invention to employ the group short message capabilities of Sanders to be implemented using the group identification means of 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” to fulfill the limitation the SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor-MSC) for this VGC, the SC forwards the SM to the appointed Anchor-MSC for this VGC, the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and in addition to all Relay-Mobile Switching Centers (Relay-MSCs), the Relay-MSCs send the SM to all respective BSS for the VGC, which transmit it to the listeners as taught by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” with motivation to enable group members with initiation and reception capabilities of voice group and short message group calls.

11. **Claims 2 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as applied to claim 1 and 5 above, and further in view of **Laumen et al (Pub No.: US 2003/0109269 A1)**.

**Consider claim 2, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” fail to explicitly state** the method according to claim 1, wherein the short message is sent in unacknowledged mode. **However attention is directed to Laumen who teaches** the method according to claim 1, wherein the short message is sent in unacknowledged mode **(see Laumen paragraphs [0045]-[0053] which explain a method for**

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**transmitting MMS messages such as text messages which send a delivery report with a confirmation acknowledgement (ack) or negative confirmation acknowledgement (nack) from the network).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” invention to employ the signaling of ack and nack confirmation of messages to fulfill the limitation the method according to claim 1, wherein the short message is sent in unacknowledged mode as taught by Laumen with motivation from Laumen to be sure that the sent message was successful or unsuccessful (see **Laumen paragraphs [0029]-[0030]**).

**Consider claim 6**, claim 6 has limitations similar to those treated in the above rejection(s) and are met by the references as discussed in claim 2 above.

12. **Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as applied to claim 1 above, and further in view of **Tarnanen (Patent No.: 6,085,100)**.

**Consider claim 10, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” fail to teach** the method according to claim 1, wherein the talker sends the SM via a slow associated control channel (SACCH) of a respective uplink-channel on a resource controlling signaling connection control part (SCCP) to a mobile switching center analogue to the sending of a point-to-point-short message service (PtP-SMS) via the respective SACCH, where the destination of the SM is either a Mobile Station International ISDN number (MSISDN) or a voice group call - reference (VGC-Reference). **However attention is directed to Tarnanen who teaches** the method according to claim 1, wherein the talker sends the SM via a slow associated control channel (SACCH) of a respective uplink-channel on a resource controlling signaling connection control part (SCCP) to a mobile switching center analogue to the sending of a point-to-point-short message service (PtP-SMS) via the respective SACCH, where the destination of the SM is either a Mobile Station International ISDN number (MSISDN) or a voice group call - reference (VGC-Reference) **(see Tarnanen col. 4 lines 35-67 and col. 5 lines 4-8, which teach a SACCH channel for transmitting short messages on the uplink).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” invention to employ transmitting SM over the SACCH on the uplink as in Tarnanen within the VGC of Sanders to fulfill the limitation the method according to claim 1, wherein the talker sends the SM via a slow associated control channel (SACCH) of a respective uplink-channel on a resource controlling signaling connection control part (SCCP) to a mobile switching center analogue to the sending of a point-to-point-short message service (PtP-

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SMS) via the respective SACCH, where the destination of the SM is either a Mobile Station International ISDN number (MSISDN) or a voice group call - reference (VGC-Reference) as taught by Tarnanen with motivation to improve the processing of short message in a network (see Tarnanen col. 3 lines 22-24).

**Consider claim 11, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Tarnanen teach** the method according to claim 10, wherein by using the MSISDN the SM is forwarded to a short message service center and there it is handled according to normal PtP-SMS (see Tarnanen col. 6 lines 27-30 which explain the “daddr” field of the SM being the destination address. Tarnanen further explains in col. 7 lines 33-36 that the destination address, "daddr," field may be the MSISDN number. Lastly, col. 7 lines 39-41 explain sending the SM to the short message service center to be forwarded to the destination address).

13. **Claims 13-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sanders, III et al (Patent No.: US 6,138,011) and 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2.”**

**Consider claim 13, 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** a mobile communication system with at least one logical unit for controlling signal exchange between members of a voice call group (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 5.1 which explains a originating MSC).

**3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” fails to teach** with additional functional processing means for transmitting text and/or binary to one or more users of the voice group in a network. **However attention is directed to Sanders who teaches** with

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additional functional processing means for transmitting text and/or binary to one or more users of the voice group in a network (**see Sanders col. 7 lines 10-27 and FIG. 1, which show an originating mobile device with capability to transmit short messages target devices of a voice group communication using a short message processor**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” invention to employ the group short message capabilities of Sanders to be implemented using the group identification means of 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” to fulfill the limitation with additional functional processing means for transmitting text and/or binary to one or more users of the voice group in a network as taught by Sanders with motivation from to enable group members with initiation and reception capabilities of voice group and short message group calls.

**3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Sanders teach** herein the text and/or binary information will be addressed by an associated voice group call reference representing a concatenated sequence of a group identification (ID) and a group call area identification (**see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 9.1 which explains identities for group calls such as a group call reference composed of a group ID and a group call area ID for addressing target devices within the VGC**).

**Consider claim 14, 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Sanders teach** the mobile communication system according to claim 13, wherein

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the text and/or binary information is a short message (SM) (see **Sanders col. 7 lines 10-27 which explain a group short message service**).

Consider claim 15, 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by **Sanders teach** the mobile communication system according to claim 14, further comprising a Short Message Entity (SME) in the network requests a short message service center to send the SM to members of the VGC (see **Sanders col. 7 lines 10-27 and FIG. 1 which explain an originating mobile device sending a short message to an SMS processor coupled to an MSC**), the SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor - MSC) for this VGC (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 5.1 Service subscriber originated and 11. 6 Service subscriber initiated call, which explain the originating MSC consulting its GCR for the group call attributes specified in Section 8.1.2 routing information identifying the VGC Anchor-MSC**), the SC forwards the SM to the appointed Anchor-MSC for this VGC (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 5.1 service subscriber originated, which explains the originating MSC shall then route the VGC to the Anchor-MSC**), the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and in addition to all Relay-Mobile Switching Centers (Relay-MSCs) (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.4 Successful call set-up, which explains the group call Anchor-MSC sets up the downlinks to the cells inside the MSC area of the group call Anchor-MSC into which the call is to be sent, sets up the connections to the dispatchers to which a dedicated link is to be established, and sets up the connections to the relay MSCs into which the call is to be sent**),

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the Relay-MSCs send the SM to all respective BSS for the VCG, which transmit it to the listeners (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.5 Successful call set-up initiated by the anchor MSC, which explains the relay-MSCs sets up the downlinks to the cells inside the relay MSC area into which the call is to be sent. Section 7.2 Radio Channels explains the downlink received at the target devices).

Consider claim 16, 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Sanders teach the mobile communication system according to claim 14, wherein if a talker is sending the SM and during the sending the talker intends to end his speaking, a mobile station will hold the uplink until the SM is sent completely to the network (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 4.2.2.1, 11.4, and 11.5 with emphasis on discussion of uplink management, which explain a voice group call with an uplink that is only accessible by one user at any one time and it is released only upon reception of an uplink release message at the anchor mobile switching center from a base station controller. Thus, the current talker has exclusive access to the uplink channel while communicating to the network and the other target devices on the voice group call must wait for the uplink to become free).

#### *Response to Arguments*

14. Applicant's arguments with respect to claims 1-6, 9-11, and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's arguments, see page 7, filed July 20, 2009, with respect to the rejection(s) of claims 8 and 16 under 35 U.S.C § 103 have been fully considered but they are not persuasive and the rejection(s) are maintained.



**Consider claims 8 and 16**, the applicant argues on page 7, of the Applicant Arguments/Remarks response to the non-final rejection of this claim that “if the uplink were not held, then it would become free thereby terminating the current talker’s access to the network and since the uplink was free it could be accessed by other voice group call devices. The publication fails to expressly disclose nor can it be inferred therefrom that the uplink is held until the SM is completely to the network.” The examiner respectfully disagrees with the applicant. The reference teaches in section 4.2.2.1 that one service subscriber has the access at any one time to the uplink of the voice group call channel and his speech is then broadcast on all voice group call channel downlinks accordingly. In the transmission of uplink data within the VGC from a particular mobile device the uplink channel must only be accessed at any one time by that particular device to avoid collision and interference within the network. The teaching of Sanders in combination with 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” is to make the SMS service available within a VGC and therefore SMS would similarly require the uplink channel exclusively for avoiding collision and interference. Furthermore, the technology of voice-to-text for delivery of a short message to a target was well known in the art at the time of the invention which in combination with 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” would also require exclusive usage of the uplink channel for the talking mobile device until the listening devices received the short message.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS HAMMONDS whose telephone number is (571) 270-3193. The examiner can normally be reached on 8:30AM-6:00PM Monday-Thursday and 8:30AM-5:00PM 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kent Chang can be reached on (571) 272-7667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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